

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 ANTONIO BAGALA,
11 #1016308

12 Plaintiff,

13 vs.

14 HEEGE, *et al.*,

15 Defendants.
16

3:12-cv-00186-LRH-VPC

ORDER

17 This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. A decision on
18 plaintiff's application to proceed *in forma pauperis* remains temporarily deferred. On May 17, 2012,
19 the court issued a Screening Order that directed that some claims may proceed, dismissed some claims
20 with prejudice and dismissed some claims with leave to amend (ECF #6). Plaintiff was ordered to file
21 his amended complaint, if any, within thirty (30) days of that order. More than the allotted time has
22 passed and plaintiff has not filed an amended complaint nor responded to this court's order in any
23 manner. Accordingly, this action shall now proceed as set forth in the Screening Order dated May 17,
24 2012.

25 **IT IS THEREFORE ORDERED** that this action **shall proceed** in conformance with
26 the Screening Order dated May 17, 2012 (ECF #6).

IT IS FURTHER ORDERED as follows:

1. A decision on the application to proceed *in forma pauperis* is **DEFERRED** at this time.
2. Given the nature of the claims that the court has permitted to proceed, this action is **STAYED** for ninety (90) days to allow plaintiff and defendant(s) an opportunity to settle their dispute before the \$350.00 filing fee is paid, an answer is filed, or the discovery process begins. During this ninety-day stay period, no other pleadings or papers shall be filed in this case, and the parties shall not engage in any discovery. The court will decide whether this case will be referred to the court's Inmate Early Mediation Program, and the court will enter a subsequent order. Regardless, on or before ninety (90) days from the date this order is entered, the Office of the Attorney General shall file the report form attached to this order regarding the results of the 90-day stay, even if a stipulation for dismissal is entered prior the end of the 90-day stay. If the parties proceed with this action, the court will then issue an order setting a date for the defendants to file an answer or other response. Following the filing of an answer, the court will issue a scheduling order setting discovery and dispositive motion deadlines.
3. "Settlement" may or may not include payment of money damages. It also may or may not include an agreement to resolve plaintiff's issues differently. A compromise agreement is one in which neither party is completely satisfied with the result, but both have given something up and both have obtained something in return.
4. If the case does not settle, plaintiff will be required to pay the full \$350.00 filing fee. This fee cannot be waived. If the plaintiff is allowed to proceed *in forma pauperis*, the fee will be paid in installments from his prison trust account. 28 U.S.C. § 1915(b). If plaintiff is not allowed to proceed *in forma pauperis*, the \$350.00 will be due immediately.

6. The Attorney General's Office shall advise the court within twenty-one (21) days of the date of the entry of this order whether it will enter a limited notice of appearance on behalf of the defendants for the purpose of settlement. No defenses or objections, including lack of service, shall be waived as a result of the filing of the limited notice of appearance.

DATED: September 6, 2012.

3

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 Plaintiffs,
5 vs.
6 , et al.,
7 Defendants.

3:00-CV-0000-____ (____)

REPORT OF THE OFFICE OF THE
ATTORNEY GENERAL RE:
RESULTS OF THE 90-DAY STAY

8
9 **NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM.
THE INMATE PLAINTIFF SHALL NOT FILE THIS FORM.**

10 On _____ [the date of the issuance of the screening order], the Court issued its
11 screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that
12 certain specified claims in this case would proceed. The court ordered the Office of the Attorney
13 General of the State of Nevada to file a report ninety (90) days after the date of the entry of the court's
14 screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the
15 Office of the Attorney General hereby complies.

16 **REPORT FORM.**

17 [Identify which of the following two situations (identified in bold type) describes the case, and follow
18 the instructions corresponding to the proper statement.]

19 **Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator
during the 90-day stay.** [If this statement is accurate, check **ONE** of the six statements below and fill
20 in any additional information as required, then proceed to the signature bloc.]

21 _____ A mediation session with a court-appointed mediator was held on _____
[enter date], and as of this date, the parties have reached a settlement (even if paperwork
22 to memorialize the settlement remains to be completed). (If this box is checked, the
23 parties are on notice that they must SEPARATELY file either a contemporaneous
stipulation of dismissal or a motion requesting that the court continue the stay in the
case until a specified date upon which they will file a stipulation of dismissal.)

24 _____ A mediation session with a court-appointed mediator was held on _____
[enter date], and as of this date, the parties have not reached a settlement. The Office of
25 the Attorney General therefore informs the court of its intent to proceed with this action.

1 _____ No mediation session with a court-appointed mediator was held during the 90-day stay,
 2 but the parties have nevertheless settled the case. *(If this box is checked, the parties are*
 3 *on notice that they must SEPARATELY file a contemporaneous stipulation of dismissal*
or a motion requesting that the court continue the stay in this case until a specified date
upon which they will file a stipulation of dismissal.)

4 _____ No mediation session with a court-appointed mediator was held during the 90-day stay,
 5 but one is currently scheduled for _____ [enter date].

6 _____ No mediation session with a court-appointed mediator was held during the 90-day stay,
 7 and as of this date, no date certain has been scheduled for such a session.

8 _____ None of the above five statements describes the status of this case. Contemporaneously
 9 with the filing of this report, the Office of the Attorney General of the State of Nevada
 10 is filing a separate document detailing the status of this case.

11 * * * * *

12 **Situation Two: Informal Settlement Discussions Case:** The case was NOT assigned to mediation
 13 with a court-appointed mediator during the 90-day stay; rather, the parties were encouraged to
 14 engage in informal settlement negotiations. [If this statement is accurate, check ONE of the four
 15 statements below and fill in any additional information as required, then proceed to the signature bloc.]

16 _____ The parties engaged in settlement discussions and as of this date, the parties have reached
 17 a settlement *(even if the paperwork to memorialize the settlement remains to be*
 18 *completed). (If this box is checked, the parties are on notice that they must*
 19 *SEPARATELY file either a contemporaneous stipulation of dismissal or a motion*
 20 *requesting that the court continue the stay in this case until a specified date upon which*
 21 *they will file a stipulation of dismissal.)*

22 _____ The parties engaged in settlement discussions and as of this date, the parties have not
 23 reached a settlement. The Office of the Attorney General therefore informs the court of
 24 its intent to proceed with this action.

25 _____ The parties have not engaged in settlement discussions and as of this date, the parties
 26 have not reached a settlement. The Office of the Attorney General therefore informs the
 Court of its intent to proceed with this action.

_____ None of the above three statements fully describes the status of this case.
 Contemporaneously with the filing of this report, the Office of the Attorney General of
 the State of Nevada is filing a separate document detailing the status of this case.

Submitted this _____ day of _____, _____ by:

Attorney Name: _____
 _____ Print

 Signature

Address: _____

Phone: _____

Email: _____